

Filed

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

Clerk, U. S. District Court  
Western District of Texas

Deputy

UNITED STATES OF AMERICA

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§  
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§

v.

No. 1:11-CR-360-SS

ECF

JOSE PLACENCIA (18)

**UNITED STATES' FACTUAL BASIS AT REARRAIGNMENT**

The United States of America files the government's factual summary for purposes of the Defendant's arraignment and guilty plea.

If this case were called to trial on the merits, the government is prepared to prove the following beyond a reasonable doubt:

Between May 1, 2011, and July 14, 2011, Jose Placencia conspired with Ruben Flores, Michael Morin, Patrick Cruz, Daniel Gonzales, Ernest Lopez, Nickolas Estrada, Michael Martinez, Domingo Mendieta, Arnulfo Perez-Torres, Juan Manuel Pierce, David Romo, Edward Zuniga, David Samarraipa, David Torres, Luis Salazar, and others to possess with intent to distribute five kilograms or more of cocaine. Placencia was a member of the drug trafficking organization headed by Texas Mexican Mafia (TMM) Captain Ruben Flores.

During the course of the conspiracy, FBI officers were involved in wire intercepts targeting various members of the Flores drug trafficking organization. Placencia was intercepted discussing the distribution of cocaine with different members of the conspiracy. Specifically, on May 19, 2011, at 1:39 p.m., Michael Morin and Placencia were recorded on an intercepted telephone call. Morin said, "Chato, it's me, Mikeo *carnal*...can you talk on this phone or not?" Placencia said, "Yeah, yeah." Morin spoke, "Do you know where we can get some keys of

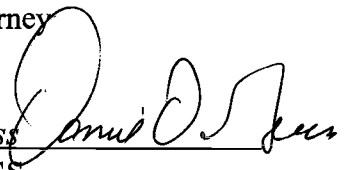
powder, *scama*?" Placencia said, "I do, it's alright *carnal*. It depends on what you want to do with it." Morin asked, "Does it come back or not?" Placencia said, "Yeah it'll come back probably almost two." Morin asked, "But it is *scama*?" Placencia responded, "It looks it." Morin again asked, "But with one, you can make two?" Placencia said yes, and Morin asked, "How much for one?" Placencia stated, "I usually buy them for eight, but if you buy a bunch, they will lower the price. I don't too much get a good deal out of them motherfuckers. They're stingy down here bro." Morin then asked, "And if we get two?" Placencia said, "Two?" Morin replied, "Two kilos." Placencia said, "Two bricks?" Morin said yes and Placencia stated, "You'll probably get a little old discount." Morin said, "Can you find out for us *carnal*? Two or three; two, maybe three." Morin wanted to know if Placencia knew someone who could supply the drug trafficking organization with kilograms of high-quality cocaine powder ("keys of powder, *scama*"). Placencia knew of a source and that the cocaine was good enough so that it could be doubled with cutting agents and still sold ("it'll come back probably almost two"). Placencia told Morin that he usually paid \$800 for an ounce ("I usually buy them for eight"). They then discussed getting a discount for a large purchase.

During the execution of the search and arrest warrants in this case, officers seized a small amount of cocaine, a digital scale used to weigh cocaine and other controlled substances, and materials used as an adulterant to mix with cocaine.

Based on his participation in the drug trafficking organization, Jose Placencia admits that he is responsible for possessing with intent to distribute at least five kilograms of cocaine as alleged in the indictment.

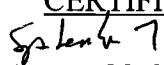
Respectfully submitted,

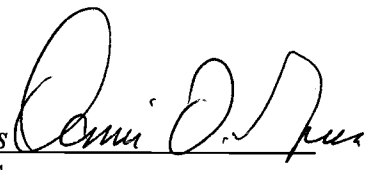
JOHN E. MURPHY  
United States Attorney

  
/s Daniel D. Guess

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CERTIFICATE OF SERVICE

  
I hereby certify that on ~~August 29~~ <sup>September 7</sup>, 2011, a true and correct copy of this instrument was filed with the District Clerk via the WDTX CM/ECF system, and the Defendant's attorney of record, Sam Bassett, will have access to it.

  
/s Daniel D. Guess

DANIEL D. GUESS  
Assistant United States Attorney